

# **EXHIBIT E**

**CAUSE NO. 429-00627-2023**

**MICHAEL IRVIN,**  
*Plaintiff*  
vs.  
**Marriott INTERNATIONAL, INC.,**  
*Defendant.*

**IN THE 429<sup>TH</sup> DISTRICT COURT**

**COLLIN COUNTY, TEXAS**

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**PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Michael Irvin ("Irvin") and asks the Court to grant expedited discovery under Texas Rule of Civil Procedure 191.1. In support thereof Plaintiff would respectfully show the Court as follows:

**I.**

**INTRODUCTION**

1.01 Plaintiff Michael Irvin sued Marriott International, Inc. for defamation and tortious interference with a business relationship on February 9, 2023.

1.02 Plaintiff requested that Discovery in the suit be governed by a Level 3 discovery-control plan. The Court has not entered a scheduling order.

1.03 No trial date has been set by the Court.

**II.**

**BACKGROUND**

2.01 In February 2023, Plaintiff Irvin traveled to Phoenix because he was scheduled to be on several popular sports commentary shows and make various personal and media appearances in the days leading up to and following the Super Bowl.

2.02 Plaintiff was told by the National Football League ("NFL") to lodge at a local Marriott hotel, the Renaissance Phoenix Hotel & Spa (the "Hotel"). That Hotel was the designated NFL hotel for Super Bowl LVII.



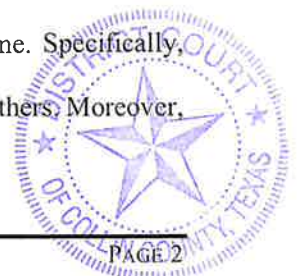
2.03 On or about the night of February 5, 2023, Plaintiff returned to the Hotel after an evening out. There, he encountered several fans who wanted to meet him. Plaintiff took time to shake hands, have conversations, and take photographs with his fans. Plaintiff was friendly, gracious, and behaved “like you see him on TV.”

2.04 After spending time with his fans, Plaintiff started towards the elevator to his room, but was called back by a waitress who wanted to meet him. The innocent and brief (less than one-minute) interaction between them is believed to be the basis of the complaints made by the Hotel to the NFL. Eyewitnesses described the interaction as “jovial” and completely harmless. Moreover, based on their observations of the interaction, the witnesses were “baffled” by the Hotel’s allegations. After shaking the waitress’s hand, Plaintiff went to his room alone and went to sleep. The waitress returned to her post, seemingly unaffected by the conversation she had with Plaintiff.

2.05 Much to Plaintiff’s surprise, he was roused the next morning by the Hotel’s private security force attempting to remove him from the Hotel without explanation. A few days later, Plaintiff was removed from his scheduled programming and several of his personal appearances were cancelled.

2.06 Evidently, as Plaintiff was sleeping, an unknown manager employed at the Hotel reported false information to the NFL about the Plaintiff. The manager alleged improper behavior towards a hotel employee. The NFL responded by removing Plaintiff from all scheduled programming surrounding the Super Bowl on NFL Network and ESPN. Despite Plaintiff’s diligent efforts, he has been unable to ascertain who specifically made these allegations, and why they were reported to the NFL without any confirmation by the Hotel.

2.07 Plaintiff’s damages are on-going and continuous—these allegations have discolored Plaintiff’s reputation and interfere with Plaintiff’s ability to earn a living. Defendant’s actions and refusal to release requested information have made it impossible for Plaintiff to clear his name. Specifically, Plaintiff has been forced to cancel personal appearances with Cigna and PepsiCo, among others. Moreover,



Plaintiff was forced to cancel his Michael Irvin Charity Football Game, and an appearance for the Wounded Warrior Project, a charity that supports veterans wounded in combat.

**III.**  
**ARGUMENTS & AUTHORITIES**

3.01 TEXAS RULE OF CIVIL PROCEDURE 191.1 permits a court to shorten the period to respond to discovery based on a showing of “good cause.” Tex. R. Civ. P. 191.1

3.02 Here, Plaintiff has good cause to expedite discovery on certain narrow issues to mitigate his continuing damages, avoid jumping to conclusions about Defendant’s actions giving rise to this case, and to identify the proper defendants to this cause of action. This information will assist in avoiding unnecessary delays as this litigation proceeds.

3.03 The burden of production on the Defendant is minimal as Defendant already has the information sought in its possession, and the requested discovery can be gathered and produced in the timeframe requested.

**IV.**  
**SPECIFIC REQUESTS**

4.01 For good cause, Plaintiff seeks that the Court authorize expedited discovery and order Defendant to produce:

- a. **Request For Production 1.** Any and all video recordings, written reports, and/or witness statements gathered that pertain to Michael Irvin’s stay at the Renaissance Phoenix Hotel & Spa in February 2023.

4.02 For good cause, Plaintiff seeks that the Court authorize expedited discovery and order Defendant to answer four Interrogatories.

- a. **Interrogatory 1.** Provide the name and contact information for any and all of Defendant’s employees who made a complaint against Plaintiff Irvin.
- b. **Interrogatory 2.** Provide the name and contact information for any employee who is alleged to have been offended by Plaintiff Irvin’s conduct.



c. **Interrogatory 3.** Provide the name and contact information for any and all employees or managers who contacted the NFL about Plaintiff Irvin's conduct.

d. **Interrogatory 4.** Provide the names and contact information for any and all persons associated with the NFL to whom reports were made regarding Michael Irvin.

4.03 Plaintiff requests that this expedited discovery be produced no later than Monday, February 20, at 5:00 p.m. Central Standard Time.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff asks the Court to grant this motion and order Defendant Marriott International Inc. to respond to Plaintiffs' discovery requests.

Respectfully submitted,  
**MCCATHERN, PLLC**

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**ATTORNEYS FOR PLAINTIFF**



**CERTIFICATE OF SERVICE**

I certify that on February 16, 2023, I filed the foregoing pleading using the Court's electronic filing system, and served same via hand delivery on Defendant's Registered Agent, as follows:

Marriott International, Inc.  
c/o its Registered Agent  
CT Corporation System  
1999 Bryan St., Suite 900  
Dallas, TX 75201

/s/ Levi G. McCathern, II  
Levi G. McCathern, II  
*Attorney for Plaintiff*



### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Monica Rivas on behalf of Levi McCathern  
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Envelope ID: 72826245  
Status as of 2/16/2023 11:28 AM CST

#### Case Contacts

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STATE OF TEXAS     )  
COUNTY OF COLLIN    )

I, Michael Gould, District Clerk in and for Collin County Texas,  
do hereby certify that the above foregoing is a true and correct copy of the  
original document as the same appears on the file in the District Court,  
Collin County, Texas, and seal of said Court, this  
the 11 day of Feb 2020

MICHAEL GOULD, DISTRICT CLERK  
COLLIN COUNTY, TEXAS

DEPUTY